

REMARKS

INTRODUCTION

Claims 1, 3-8, and 10-29 are pending and under consideration. Reconsideration is respectfully requested.

Claims 15, 21 and 22 are allowed.

DOUBLE PATENTING

In the Office Action, claims 1, 8 and 25 were rejected under the judicially created doctrine of double patenting. The Examiner is referred to the Office Action for the details of the rejection, thus the rejection is not repeated herein. Applicant respectfully notes that a terminal disclaimer is not being filed at this time. Applicant further notes that an appropriate terminal disclaimer may be filed at such time as the outstanding issues in the claims are resolved.

REJECTIONS UNDER 35 U.S.C. §103

The rejections are respectfully traversed because the Examiner's combination is not proper. The Examiner purports to combine Wallin with Pierce. Pierce is relied upon as teaching the claimed temperature switch directly mounted on an outside surface of the transformer assembly. However, Wallin teaches against such a combination, and therefore there would have been no motivation to make the combination.

An object of Wallin is to inexpensively manufacture an oven. Wallin achieves this object by providing first and second structural units. The first structural unit includes components in a common housing, and a second structural unit comprising the oven cavity. Wallin, 1:9-19. Wallin specifies that all electrical components are gathered in the housing, with the exception of a small number of electrical provisions, such as a door switch and the like which are to be provided in or near the oven cavity and the oven door. Wallin, 1:46-54.

Since Wallin specifies that the electrical components are generally included in the housing, one would not have been motivated to put a temperature switch on an outside thereof. The temperature switch does not fall within the exceptions to this teaching, since the temperature switch is not provided in or near the oven door.

Furthermore, with respect to dependent claim 17, the Examiner relies upon the side

flange 54 of Hay as corresponding to the claimed bracket. However, the side flange 54 does not teach a plate with ends bent downwardly. Instead, the side flanges 54 are upward relative to base 52. Hay, FIG. 2.

Accordingly, withdrawal of the rejections is requested.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections, except for the double patenting rejections, have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, the application is submitted as being in condition for allowance which action is earnestly solicited.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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